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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

RODNEY BELL,

Defendant and Appellant.

B176273

(Los Angeles County
Super. Ct. No. VA081327)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Michael L. Schuur, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On February 24, 2004, a Target loss prevention officer told Deputy Sheriff Daniel Holguin that he had just observed a man, later identified as Rodney Bell, conceal three DVD's in his waistband, walk by the registers and out of the store without paying, then to a car in the parking lot. Deputy Holguin found Bell in the driver's seat of the car, and the DVD's in the driver's door panel. Bell was charged with petty theft with a prior, with allegations that he had suffered one prior strike and served three prior prison terms. (Pen. Code, §§ 666, 667, subds. (b)-(i), 667.5, subd. (b).)

After pleading not guilty, Bell made a motion pursuant to *Pitchess v. Superior Court* (1974) 11 Cal.3d 531. The court conducted an in camera hearing, but determined there were no discoverable items to disclose. Bell then waived his constitutional rights, changed his plea to no contest, and admitted the prior strike. Pursuant to the terms of a plea agreement, Bell was sentenced to four years in state prison (mid-term of two years, doubled), and the People dismissed the remaining allegations.

Bell filed a notice of appeal, and we appointed counsel to represent him. After reviewing the record, appellate counsel filed an opening brief in which no issues were raised. On September 23, 2004, we notified Bell that he had 30 days within which to submit any issues he wanted us to consider. On November 15 (while the record was being augmented to include the transcript of the *Pitchess* hearing), Bell filed an "objection" in which he claimed his appellate lawyer was ineffective for filing a "no merit" opening brief, and requested a new appeal with appointment of new counsel. We reject Bell's claim of ineffective

assistance of counsel, and deny his requests. (*Smith v. Robbins* (2000) 528 U.S. 259.)

We have independently examined the record and are satisfied that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436.)

The judgment is affirmed.

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VOGEL, J.

We concur:

SPENCER, P.J.

MALLANO, J.